



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,472	06/11/2001	Henry Webber	12538-11/JWE	7072
23386 7590 09/15/2009 Myers Andras Sherman LLP 19900 MacArthur Blvd. Suite 1150 Irvine, CA 92612				
EXAMINER YAN, REN LUO				
ART UNIT 2854		PAPER NUMBER		
MAIL DATE 09/15/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/879,472

**Applicant(s)**

WEBBER, HENRY

**Examiner**

Ren L. Yan

**Art Unit**

2854

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 7-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Applicant's election without traverse of Invention group I, claims 1-6 in the reply filed on 6-24-2008 is acknowledged.

Claim 2 is objected to because the recitation of "the BACK SPACE" on line 2 lacks proper antecedent basis.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Each of claims 4-6 is written in dependent form but each depends upon itself. Thus, claims 4-6 are indefinite because they are incomplete and the scope of these claims can not be ascertained. Accordingly, claims 4-6 are not treated on merits at this time by the examiner.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over An (6,067,033) in view of Ayres (3,225,883).

The patent to An teaches the structure of a universal keyboard of the type comprising an alphanumeric portion having keys arranged in a plurality of substantially straight vertical columns and a plurality of substantially straight horizontal rows, including a home row, so as to define an ortholinear array, the keyboard further comprising: left and right hand SHIFT keys, and a centrally disposed ENTER key, and the ENTER key elongated vertically and oriented substantially parallel to the substantially straight vertical rows, the ENTER key including a first portion disposed in-line with the keys of the home row and a second portion disposed in-line with the keys of the row below the home row. See Figs. 2, 3, column 1, lines 37-40 and column 2, lines 46-65 in An for example.

Even though An does not teach that the SHIFT keys elongated vertically and oriented substantially parallel to the substantially straight vertical rows, the SHIFT keys including a portion disposed in-line with the keys of the home row, An does teach that an ENTER key 2a is enlarged and elongated vertically and oriented substantially parallel to the substantially straight vertical rows so as to facilitate depression of the little finger of the user. See also column 2, lines 36-41 in An for example.

The patent to Ayres teaches in a keyboard a SHIFT key 63 that is elongated vertically and oriented substantially parallel to the substantially straight vertical rows and the SHIFT key including a portion disposed in-line with the keys of the home row. See Fig. 2 in Ayres for example.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the universal keyboard of An with the SHIFT keys enlarged and elongated vertically to dispose in-line with the keys of the home row as taught by Ayres so as to predictably permit

the user to easily depress the SHIFT keys with either left/right little finger for faster and more comfortable data input.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over An in view of Ayres as applied to claim 1 above, and further in view of Pham (Des. 387,340).

For claim 2, An, as modified by Ayres teaches the structure of the universal keyboard including a horizontally elongated, thumb activated SPACE BAR 7, disposed adjacent and below the ENTER key. However, An does not teach a centrally disposed BACK SPACE key, the BACK SPACE key elongated vertically and oriented substantially parallel to the substantially straight vertical rows, the BACK SPACE disposed above the ENTER key and in-line with the keys of the two rows adjacent and above the home row.

Pham teaches a similar universal keyboard including a centrally disposed ENTER key and a centrally disposed BACK SPACE key disposed above the ENTER key and inline with the keys of the row adjacent and above the home row. See Fig. 1 in Pham for example.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the universal keyboard of An with a centrally disposed BACK SPACE key disposed above the ENTER key as taught by Pham in order to predictable enable the user to depress the BACK SPACE key with either left/right finger for faster and efficient data input.

Even though An does not teach that the BACK SPACE key is elongated vertically and oriented substantially parallel to the substantially straight vertical rows, and the BACK SPACE key is disposed in-line with the keys of the two rows adjacent and above the home row, An teaches that an ENTER key 2a is enlarged and elongated vertically and oriented substantially

parallel to the substantially straight vertical rows so as to facilitate depression of the little finger of the user. See also column 2, lines 36-41 in An for example.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the universal keyboard of An, as modified by Ayres and Pham with the BACK SPACE key enlarged and elongated vertically to span over the keys of the two rows adjacent and above the home row so as to predictably permit the user to easily depress the centrally located BACK SPACE key with either left/right finger for faster and more comfortable data input.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over An in view of Ayres and Pham as applied to claims 1 and 2 above, and further in view of Shelton(3,970,185).

An, as modified by Ayres and Pham teaches the location of the ENTER, BACK SPACE and SPACE BAR key, respectively on a universal keyboard as claimed. However, the combination does not teach these keys are vertically separated into independently activated left and right hand portions.

Shelton teaches in a keyboard the conventionality of vertically splitting the SPACE BAR into SPL(left hand portion) and SPR(right hand portion) keys. See Figs. 1 and 2 in Shelton for example.

It would have been obvious to those having ordinary skill in the art at the time of the invention to provide the keyboard of An, as modified by Ayres and Pham with the ENTER, BACK SPACE and SPACE BAR keys that are vertically separated into independently activated left and right hand portions as taught by Shelton in order to predictably permit the user to depress these key by either the left or the right hand so as to facilitate faster and efficient data input.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ren L. Yan whose telephone number is 571-272-2173. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ren L Yan/  
Primary Examiner, Art Unit 2854  
September 14, 2009